

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.) CERTIFICATION OF A
) SEXUALLY DANGEROUS PERSON
JEFFREY BARNER,)
Register Number 15250-052,)
)
Respondent.)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 25th day of January, 2011.

George E. B. Holding
United States Attorney

By: /s/ W. Ellis Boyle
W. ELLIS BOYLE
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Attorney for Petitioner
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N.C. Bar # 33826

CERTIFICATE OF SERVICE

This is to certify that I have this 25th day of January, 2011, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

Jeffrey Barner
Reg. No. 15250-052
FCI Butner
P.O. Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ W. Ellis Boyle
W. ELLIS BOYLE
Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
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N.C. Bar # 33826

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Trent H. Evans, am Acting Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Jeffrey Barner, Register Number 15250-052, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 37-month term of imprisonment and a life term of supervised release, following his conviction for Failure to Register as a Sex Offender, in violation of 18 U.S.C. § 2250(a) (N.D.N.Y.) (Case No. DNYN109CR00005-001). His projected release date is September 16, 2011.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced

by his prior convictions for: Two counts of Robbery in the Third Degree, in the Supreme Court, Erie County, New York (Indictment No. 50,019), for approaching a female victim, placing a pocket knife at her side, forcing her into a vehicle, driving her to an apartment, ordering her to remove her clothing, vaginally and anally raping her, and robbing her of her cash and food stamps. A week later, inmate Barner convinced a female victim to accompany him to a house to wait for a friend, grabbed her around the neck and choked her, took her money, forced her to remove her pants, and tried to rape her; Attempted Rape in the First Degree, in the Supreme Court, Erie County, New York (Indictment No. 87-0058), for grabbing a 16-year-old girl, threatening to kill her, taking her to a stairwell in a motel, telling her to take her shirt off, putting a pen to her neck and again threatening to kill her when she didn't comply, fondling the victim's breasts, raping her for two hours, then forcing her into taxi, and robbing her of her jewelry before letting her out of the taxi; and Attempted Endangering the Welfare of a Child, in Buffalo City Court, Buffalo, New York (Docket No. 2000ER017544M), for telephoning who he thought was a 12-year-old girl on three occasions, attempting to convince her

to have a sexual encounter with him, and going to the child's home to meet her;

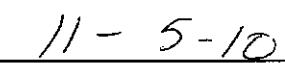
(b) A psychological review and assessment indicated Axis I diagnoses of Sexual Abuse of an Adult and Cannabis Abuse, in a Controlled Environment; Axis II diagnosis of Antisocial Personality Disorder;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his prior offense conduct, a history of revocation or failure to comply with the stipulations of conditional release, intimacy deficits, poor general self-regulation, and poor sexual self-regulation, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Trent H. Evans
Acting Chairperson
Certification Review Panel
Federal Bureau of Prisons



Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.) ORDER
)
JEFFREY BARNER,)
Register Number 15250-52,)
)
Respondent.)

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the August 04, 2010 Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This ____ day of January, 2011.

United States District Judge